

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

BERKS PLANT DESIGN MAINTENANCE,
INC.

Plaintiff,

v.

GAF MATERIALS CORPORATION a/k/a
GAF

Defendant.

Case No. 5:16-cv-06415 (JFL)

**NOTICE OF MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Oral Argument Requested

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 56, and under Defendant GAF's statement of material facts and memorandum of law in support of its motion for partial summary judgment, and all other pleadings and proceedings in this action, Defendant, GAF will move this Court before the Honorable Joseph F. Leeson, Jr., United States District Judge, at the Edward N. Cahn U.S. Courthouse and Federal Building, 504 West Hamilton Street, Suite 3401, Allentown, PA, 18101, at a date and time to be determined by the Court for an order granting partial summary judgment and dismissing plaintiff's claims for consequential damages.

Dated: August 15, 2017

Respectfully submitted,

By: s/ David R. King

David R. King, Esq. (SBN 310307)

Kathleen H. Robinson, Esq. (SBN 203388)

HERRICK, FEINSTEIN LLP

One Gateway Center

Newark, New Jersey 07102

(973)-274-2000

Email: dking@herrick.com

Email: hrobinson@herrick.com

Attorneys for Defendant